

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NEWSPAPER AND MAIL DELIVERERS' UNION  
OF NEW YORK AND VICINITY  
(NYP HOLDINGS, INC., d/b/a NEW YORK POST)**

<b>and</b>	<b>Cases 2-CB-21740 2-CB-22366</b>
<b>STEF ANI COTLER</b>	
<b>and</b>	<b>2-CB-21749</b>
<b>TERANCE BRIGHT</b>	
<b>and</b>	<b>2-CB-21762</b>
<b>MARC SUSSMAN</b>	
<b>and</b>	<b>2-CB-21826</b>
<b>REYSON PIMENTEL</b>	
<b>and</b>	<b>2-CB-21827</b>
<b>JESUS MEJIA</b>	
<b>and</b>	<b>2-CB-21828</b>
<b>CESAR CEBALLOS</b>	
<b>and</b>	<b>2-CB-21829</b>
<b>JOHN SMITH</b>	
<b>and</b>	<b>2-CB-21845</b>
<b>PATRICK FORTE</b>	
<b>and</b>	<b>2-CB-21905</b>
<b>SHIWU PENG</b>	
<b>and</b>	
<b>NYP HOLDINGS, INC., d/b/a NEW YORK POST</b>	

**(PARTY TO THE CONTRACT)**

**and**

**NEWSPAPER AND MAIL DELIVERERS' UNION  
OF NEW YORK AND VICINITY  
(CITY & SUBURBAN DELIVERY SYSTEMS, INC.)**

**and**

**2-CB-21842**

**ENRIQUE GRADOS**

**and**

**2-CB-21899**

**DJEVALIN GOJANI**

**and**

**2-CB-21931**

**CHRISTOPHER FABIANI**

**and**

**2-CB-21941**

**RICHARD ATKINS**

**and**

**2-CB-21946**

**RAIMOND MORAN**

**and**

**2-CB-22015**

**JOHN CASSARO**

**and**

**2-CB-22051**

**PATRICK RIZZOTTI**

**and**

**CITY & SUBURBAN DELIVERY SYSTEMS, INC.  
(PARTY TO THE CONTRACT)**

**and**

**THE NEW YORK TIMES COMPANY  
(PARTY IN INTEREST)**

and

**NEWSPAPER AND MAIL DELIVERERS' UNION  
OF NEW YORK AND VICINITY  
(VARIOUS EMPLOYERS)**

and

**2-CB-22701**

**DANIEL ALTIERI**

**ORDER DENYING MOTION**

The Respondent's Motion to Dismiss the Complaints is denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law. In addition, the Acting General Counsel's Motion to Strike the affidavit attached to the Respondent's reply to the Acting General Counsel's opposition is denied.

Dated, Washington, D.C., September 14, 2011

MARK GASTON PEARCE,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER